

**ASSEMBLY, No. 2591**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**  
**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires municipal agency under MLUL to notify prospective applicant of potential need for additional governmental approvals.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning notifications under the “Municipal Land Use  
2 Law” and amending P.L.1984, c. 20.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 5 of P.L.1984, c.20 (C.40:55D-10.3) shall be  
8 amended to read as follows:

9 5. An application for development shall be complete for  
10 purposes of commencing the applicable time period for action by a  
11 municipal agency, when so certified by the municipal agency or its  
12 authorized committee or designee. In the event that the agency,  
13 committee or designee does not certify the application to be  
14 complete within 45 days of the date of its submission, the  
15 application shall be deemed complete upon the expiration of the 45-  
16 day period for purposes of commencing the applicable time period,  
17 unless:

18 a. the application lacks information indicated on a checklist  
19 adopted by ordinance and provided to the applicant; and

20 b. the municipal agency or its authorized committee or  
21 designee has notified the applicant, in writing, of the deficiencies in  
22 the application within 45 days of submission of the application.

23 The applicant may request that one or more of the submission  
24 requirements be waived, in which event the agency or its authorized  
25 committee shall grant or deny the request within 45 days. Nothing  
26 herein shall be construed as diminishing the applicant's obligation  
27 to prove in the application process that he is entitled to approval of  
28 the application. The municipal agency may subsequently require  
29 correction of any information found to be in error and submission of  
30 additional information not specified in the ordinance or any  
31 revisions in the accompanying documents, as are reasonably  
32 necessary to make an informed decision as to whether the  
33 requirements necessary for approval of the application for  
34 development have been met. The application shall not be deemed  
35 incomplete for lack of any such additional information or any  
36 revisions in the accompanying documents so required by the  
37 municipal agency.

38 The municipal agency shall inform the applicant, either on the  
39 checklist adopted by ordinance and provided to the applicant, or in  
40 writing at the time the checklist is provided to the applicant, that a  
41 development proposed by an application for development may  
42 require approvals by other governmental agencies in addition to and  
43 other than the municipal agency and that, in accordance with the  
44 provisions of section 13 of P.L.1975, c.291, (C.40:55D-22), the  
45 municipal agency shall, in appropriate instances, condition its

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 approval upon the subsequent approval of such governmental  
2 agency. This information shall specifically notify the applicant that  
3 a proposed development adjacent to a State highway may require  
4 approval by the Department of Transportation pursuant to the State  
5 highway access management code adopted by the Commissioner of  
6 Transportation under section 3 of the "State Highway Access  
7 Management Act," P.L.1989, c.32 (C.27:7-91).  
8 (cf: P.L.1984, c.20, s.5)

9  
10 2. This act shall take effect on the first day of the fourth month  
11 next following the date of enactment.  
12  
13

#### 14 STATEMENT

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16 This bill would require a municipal agency to inform a person, at  
17 the time that the person first receives paperwork concerning  
18 possible submission of an application for development under the  
19 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),  
20 that the proposed development may require an approval by  
21 governmental agencies in addition to the municipal agency. The  
22 municipal agency shall specifically inform the prospective applicant  
23 that a proposed development adjacent to a State highway may  
24 require approval by the Department of Transportation pursuant to  
25 the State highway access management code adopted by the  
26 Commissioner of Transportation under section 3 of the "State  
27 Highway Access Management Act," P.L.1989, c.32 (C.27:7-91).